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TO: Examiner TRAN, Phuoc
USPTO GPAU 2621

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FROM: Ryan S. Davidson
Reg. No.: 51,596

RE U.S. App. No.: 10/052,053, filed 01/17/2002

Applicant(s): Daniel W. Wong et al.

Atty Dkt No.: 1376-0100420

Title: SYSTEM FOR HANDLING MULTIPLE DISCRETE COSINE
TRANSFORM MODES AND METHOD THEREOF

NO. OF PAGES (including Cover Sheet): 4

MESSAGE:

Attached please find:

- ☒ Transmittal Form (1 pg)
- ☒ Response to Species Election Requirement (2 pgs)

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PTO/SB/21 (08-04)

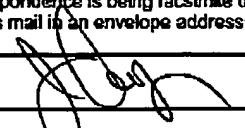
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/052,053	
	Filing Date	01/17/2002	
	First Named Inventor	Daniel W. WONG et al.	
	Art Unit	2621	
	Examiner Name	TRAN, Phuoc	
Total Number of Pages in This Submission	3	Attorney Docket Number	1376-0100420

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Firm Name	TOLER, LARSON & ABEL, LLP	
Signature		
Printed name	Ryan S. Davidson	
Date	22 April 2005	Reg. No. 51,596

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Signature		
Typed or printed name	Judy Carey	Date 4/22/05

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Daniel W. WONG et al.

Title: SYSTEM FOR HANDLING MULTIPLE DISCRETE COSINE
TRANSFORM MODES AND METHOD THEREOF

App. No.: 10/052,053

Filed: 01/17/2002

Examiner: TRAN, Phuoc

Group Art Unit: 2621

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Mail Stop AMENDMENT
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RESPONSE TO SPECIES ELECTION REQUIREMENT

Dear Sir:

The USPTO alleges that the present application contains claims directed to patentably distinct species. In particular, the Office asserts that the "species" of claim 9 is patentably distinct from the "species" of claim 17 and therefore has required the Applicant to elect a single disclosed species under 35 U.S.C. Section 121. However, as provided by the M.P.E.P.,

Claims are definitions of inventions. Claims are never species. Claims may be restricted to a single disclosed embodiment (i.e., a single species, and thus be designated a specific species claim), or a claim may include two or more of the disclosed embodiments within the breadth and scope of definition (and thus be designated a generic or genus claim).

Species are always the specifically different embodiments.

M.P.E.P. § 806.04(e)(emphasis in original).

In view of the above-cited section of the M.P.E.P., the Applicants respectfully submit that the Office has erred in characterizing claims 9 and 17 as "species" because, as demonstrated above, claims are never species. See *Id.* Instead, for a proper species election requirement, the Office is required identify allegedly independent and patentably distinct disclosed embodiments that represent different species, between which the Applicants properly may be required to make

an election. However, in the present application, the Office has not identified two distinct and proper species from which the Applicants may make an election. Furthermore, the Office has not provided any support for its allegation that the supposed "species" are patentably distinct. Accordingly, the Applicants respectfully submit that the species election requirement is improper at this time and the withdrawal of this election requirement is respectfully requested.

Notwithstanding the improper characterization of claims 9 and 17 as "species," the Applicants elect the "species" of claims 1-8, 9-16 and 19-27 for further prosecution and provisionally withdraw the "species" of claims 17 and 18 from consideration.

Respectfully submitted,

22 April 2005
Date



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